

Development Management Sub Committee

29 June 2022

Confirmation of Tree Preservation Order No. 200 (Gateside, Kirkliston)

Item number

Report number

Wards

Ward 1 – Almond

Summary

Tree Preservation Order No. 200 (Gateside, Kirkliston) was made on 11 February 2022 to protect a group of seven pine trees in the interests of amenity. This Order expires after 6 months unless it is confirmed within this time. The Order must be confirmed before 11 August 2022 to ensure it provides permanent tree protection.

It is recommended that Committee confirms Tree Preservation Order No. 200 (Gateside, Kirkliston).

Links

[Policies and guidance for this application](#) CDP ENV12

Report

Confirmation of Tree Preservation Order No. 200 (Gateside, Kirkliston)

Recommendations

1.1 It is recommended that Committee confirms the Order.

Background

2.1 Site description

The site is a grassed area between the Gateside estate and the Pikes Pool estate in Kirkliston. The Order applies to a group of seven pine trees immediately to the south of the wall which divides the two neighbourhoods.

Photographs of the trees are provided in Appendix 3.

2.2 Site History

In January 2022 the planning authority received 22/00060/TCO, a notice of intention to remove three of the seven pine trees. The notice was submitted by an arboricultural contractor working on behalf of the property managers for the Pikes Pool estate to the north of the trees.

In February 2022 a TPO was made to prevent the removal of the trees.

Main report

3.1 Description of The Proposal

To the north of the Gateside estate in Kirkliston is a group of seven mature pine trees. They are immediately to the south of the wall which divides the Gateside estate and the Pikes Pool estate, and they fall within the ownership of the Pikes Pool estate, which extends a short way south of the wall.

In January 2022 the Council received a notice of intention to remove three of the seven trees, to “prevent crowns damaging each other” and to reduce debris falling into gardens.

The planning authority also received an email from the chair of the residents’ association for Gateside expressing concern about the proposed tree removals and expressing that the Gateside residents did not wish to see the trees removed.

The Arboricultural Officer took the view that the removal of a large portion of the tree group had not been justified. A TPO was made to prevent the proposed tree removals from taking place and to enable the planning authority to ensure that any future tree works are arboriculturally sympathetic and would safeguard amenity.

3.2 Determining Issues

Section 160 of the Town and Country Planning (Scotland) Act 1997 states that a planning authority may make an order specifying any trees, groups of trees or woodlands in their district and providing for their preservation if it is a) expedient in the interests of amenity to make that provision, or b) that the trees, groups of trees or woodlands are of cultural or historical significance.

The planning authority must consider any representations made in accordance with the Tree Preservation Order and Trees in Conservation Areas Regulations before the tree preservation order is confirmed.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The making of the Order is expedient in the interests of amenity or whether the trees, groups of trees or woodlands are of cultural or historical significance:-
- b) the proposal complies with the development plan;

- c) equality and human rights issues have been addressed and
- d) any representations received require the Order to be abandoned, confirmed or confirmed with modifications.

a) Amenity, Expediency and Cultural or Historic Interest

The group of trees are by the side of Gateside, the main road connecting all parts of the Gateside estate. They are highly visible from many directions, including across the Gateside estate and the Pikes Pool estate, from the B800 to the south of Kirkliston, and from the M9 as it passes the town. The trees are some of the largest in the area and are in a very prominent position, forming a highly significant landscape feature.

The trees are in early maturity and appear to be in satisfactory condition with potentially decades of lifespan remaining.

The making of the Order was therefore expedient as it allows the planning authority to prevent the loss of almost half the trees in the group.

The trees are not considered to be of cultural or historic interest.

b) Development Plan

The supporting text of Policy Env 12 (trees) of the Edinburgh Local Development Plan states that where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

In view of the amenity provided by the trees, the requirement to apply a Tree Preservation Order complies with the development plan.

c) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

The statutory requirement on planning authorities is to make Orders where this is in the interests of amenity. Amenity in this context is interpreted as extending beyond the amenity of an individual party and being of wider public benefit. An Order allows any person to apply for permission to carry out tree pruning, felling etc at any time; at that time the individual circumstances of the case must be assessed and a decision on tree work proposals reached. There is a right of appeal against the decision of a planning authority.

d) Representations

The planning authority is required to consider any objection or representation made within 28 days of making and advertising a Tree Preservation Order. The making of the TPO was advertised in the normal manner. No representations were received.

Conclusion

The tree group has significant amenity value and contributes to the attractiveness and character of the area. The tree owners had expressed their intention to remove three of the trees, which would weaken the visual impact of the group. The Order prevents this and allows the planning authority to control future tree works and ensure they are arboriculturally sensitive and will maintain the tree's value in the streetscape.

It is recommended that the Tree Preservation Order be confirmed.

The Tree Preservation Order map and Schedule are enclosed at Appendices 1 and 2 and photographs of the trees at Appendix 3.

Financial impact

4.1 The financial impact has been assessed as follows:

Costs are accommodated through existing budgets.

Risk, Policy, compliance and governance impact

5.1 Provided Tree Preservation Orders are confirmed in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Not applicable.

8.2 Publicity summary of representations and Community Council comments

The Order was advertised in the local press on 11 February 2022 and displayed at Gateside Library in accordance with regulatory requirements. A copy could not be displayed at the Planning and Building Standards reception in Waverley Court due to Covid restrictions but was available to view on the Council's website.

Background reading/external references

- [Planning guidelines](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders (ENV12).

Date registered

N/A

Drawing numbers/Scheme

N/A

David Givan

Chief Planning Officer

PLACE

City of Edinburgh Council

Contact: [Ruthe Davies](#)

E-mail: ruthe.davies@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Local Development Plan

LDP Policy ENV12 (Trees)

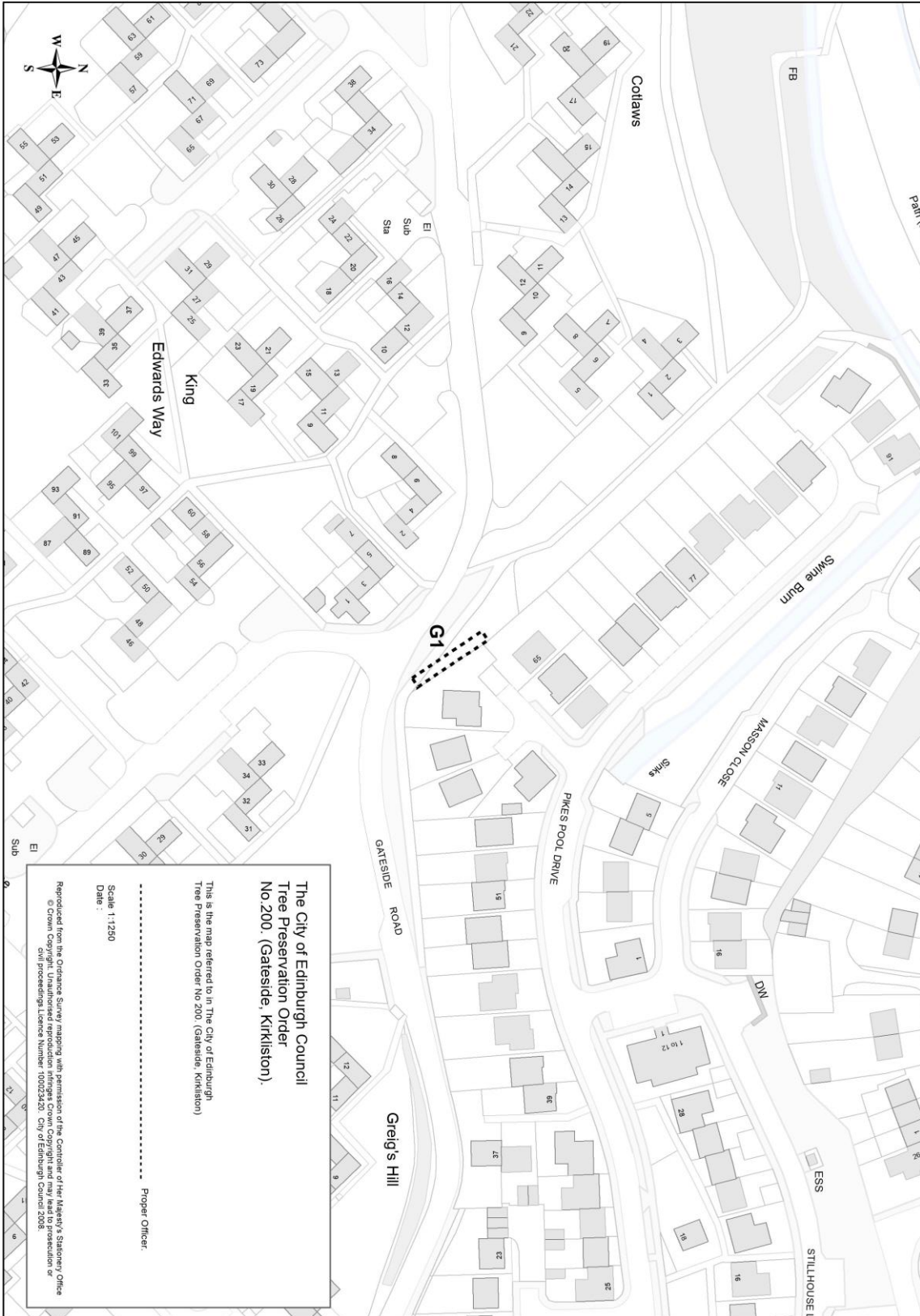
Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or other tree worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

This policy recognises the important contribution made by trees to character, biodiversity, amenity and green networks. In assessing proposals affecting trees, the Council will consider their value, taking into account status such as Tree Preservation Order, heritage tree, Ancient Woodland and Millennium Woodland, and information from tree surveys.

Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

Appendix 1

Tree Preservation Order Map



Appendix 2

Tree Schedule

Trees Specified Individually (marked in green on the maps)		
No. on Map	Description	Situation
None		
Trees Specified by Reference to an Area (within a solid black line on the map)		
No. on Map	Description	Situation
None		
Groups of Trees (within a broken black line on the maps)		
No. on Map	Description	Situation
G1	A row of seven pine trees	On the land at Gateside Road and being part of the Title currently registered in the Land Register with Title Number WLN47712.
Woodlands (Within a red line on the maps)		
No. on Map	Description	Situation
None		

Photographs



Fig. 1: The trees from Gateside to the south



Fig. 2: The trees from Pikes Pool Drive to the north